

REGIONAL CONDITIONS FOR NATIONWIDE PERMITS IN KENTUCKY

For NWP 3 (Maintenance), 7(Outfall structures and Maintenance), 12(Utility Line Activities), 14(Linear Transportation crossings), 27(Stream and Wetland Restoration Activities), 39(Residential, Commercial, and Institutional Developments), 40(Agricultural Activities), 42(Recreational Facilities), 43(Stormwater Management Facilities), 44(Mining Activities) **all work in Outstanding Resource Waters (ORW)** will require a **Preconstruction Notification (PCN)** to the Corps, with a copy furnished by the applicant to the four (4) agencies listed (see attached)

Nationwide Permit No. 14: Linear Transportation Crossings.

- (1) All work in Section 10 waters will require a PCN to the Corps.
- (2) This NWP for public projects is limited to the loss of 500 linear feet of stream.

Nationwide Permit No. 27: Stream and Wetland Restoration Activities.

- (1) All work in Section 10 waters will require a PCN to the Corps.

Note: PCN's will be coordinated with the U.S. Fish & Wildlife Service, and the Kentucky Department of Fish & Wildlife Resources in accordance with General Condition 13 for activities on public or private land with no agreement.

NOTE: (1) Outstanding Resource Waters (ORW's) are streams designated by the Commonwealth of Kentucky, Natural Resources and Environmental Protection Cabinet. The list is attached.

(2) Information on Pre-Construction Notification (PCN) can be found at NWP General Condition No. 13 (Federal Register, Vol. 65 No. 47, Thursday March 9, 2000 pp 12894-12895).

(3) Mitigation includes activities that avoid, minimize, and compensate for impacts (see attached NWP Mitigation information sheet).

**Kentucky's Outstanding Resource Waters (ORW's)
In The Huntington District**

<u>Waterbody</u>	<u>Basin</u>	<u>Counties</u>	<u>Zone</u>	<u>UMP</u>	<u>DMP</u>	<u>Length</u>
Arabs Fork	Little Sandy	Carter/Elliot	Source to confluence with Clays Fork	5.1	0	5.1
Big Caney Creek	Little Sandy	Elliot	Source to Grayson Lake	12.8	0	12.8
Big Sinking Creek	Little Sandy	Carter	Source to River Mile 10.7	19	10.7	8.3
Laurel Creek	Little Sandy	Elliot	Source to River Mile 7.6	14.5	7.6	6.9

UMP - Upstream Mile Point

DMP - Downstream Mile Point

NOTE: A list of all excluded waters can be obtained from the Kentucky Division of Water or from the respective Corps of Engineers District Office.

NWP MITIGATION INFORMATION SHEET

Mitigation includes measures that avoid, minimize, or compensate for impacts to the aquatic ecosystem. Avoidance and minimization associated with nationwide permit authorizations are limited to on-site measures.

Avoid: Take all appropriate and practicable measures to avoid adverse impacts to the aquatic ecosystem.

Minimize: Take all appropriate and practicable measures to minimize adverse impacts to the aquatic ecosystem.

Compensate: The applicant may be required to implement appropriate and practicable measures to compensate for adverse project impacts to the aquatic ecosystem that cannot reasonably be avoided or minimized. Compensatory mitigation can take many forms. Some of which are the use of buffer zones adjacent to the stream corridors and wetland areas; stream restoration or "naturalization"; project specific mitigation; mitigation banking; in-lieu fee based mitigation; protection of areas by deed restrictions, or conservation easements.

Department of the Army permittees are responsible for developing a mitigation plan and submitting it to the Corps. A mitigation plan should generally include:

1. A complete description of efforts made to avoid and minimize adverse project impacts to the aquatic ecosystem, and a thorough description of the proposed compensatory mitigation.
2. A jurisdictional determination, including wetland delineation (**if appropriate**) conducted in accordance with the 1987 Corps of Engineers Wetlands Delineation Manual.
3. A detailed description of the nature and location of all proposed ground disturbing activities and structures associated with the compensatory mitigation project.
4. For work that would create new aquatic resources or modify existing aquatic resources, provide as appropriate a description of the proposed hydrology, a soil description, and a planting plan.
5. A proposal for monitoring the success of the proposed mitigation plan, including the name and telephone number of the responsible party, success criteria, and a compliance reporting program. Generally, monitoring should continue at least two years after all mitigation project activities have been completed and planting survival requirements have been achieved. Include all appropriate contingency plans and address provisions for long-term operations and maintenance.

**PRE-DISCHARGE NOTIFICATION
COORDINATING AGENCIES**

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